

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4988

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FRED NEAL, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Richard L. Voorhees,
District Judge. (CR-02-23)

Submitted: May 20, 2003

Decided: June 19, 2003

Before WILKINSON, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Scott Gsell, LAW OFFICE OF SCOTT GSELL, Charlotte, North Carolina,
for Appellant. Robert John Gleason, Assistant United States
Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Fred Neal, Jr., appeals his conviction and sentence for two counts of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1) (2000). Neal's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that, in his view, there are no meritorious grounds for appeal. Although notified of his right to do so, Neal has not filed a pro se supplemental brief. Finding no reversible error, we affirm.

In the Anders brief, counsel questions whether the district court erred in sentencing Neal to ninety-six months of imprisonment. We find that we have no authority to review the district court's decision to sentence Neal to ninety-six months because this sentence is within the guideline range and is below the statutory maximum sentence of ten years. See 8 U.S.C. § 924(a)(2) (2000) (setting forth statutory maximum). Because Neal's sentence does not exceed the maximum allowed by the Guidelines or statute, we will not review it on appeal. See United States v. Porter, 909 F.2d 789, 794 (4th Cir. 1990) (finding challenge to court's exercise of discretion in setting a sentence within a properly calculated guideline range not addressable on appeal).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We

therefore affirm Neal's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED